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By: **Montgomery County Delegation**

Introduced and read first time: February 6, 2004

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County - Alcoholic Beverages License - Rockshire Planned**  
3 **Residential Unit**  
4 **MC 413-04**

5 FOR the purpose of authorizing the Montgomery County Board of License  
6 Commissioners by unanimous vote to approve an application for an alcoholic  
7 beverages license for a restaurant establishment located in the Rockshire  
8 Planned Residential Unit development in the City of Rockville under certain  
9 circumstances; specifying that the license authorizes the license holder to keep  
10 for sale and sell alcoholic beverages for consumption on the premises only; and  
11 generally relating to alcoholic beverages licenses in Montgomery County.

12 BY repealing and reenacting, with amendments,  
13 Article 2B - Alcoholic Beverages  
14 Section 9-216  
15 Annotated Code of Maryland  
16 (2001 Replacement Volume and 2003 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article 2B - Alcoholic Beverages**

20 9-216.

21 (a) The Montgomery County Board of License Commissioners may not issue  
22 any license to sell alcoholic beverages within 750 feet of any secondary or elementary  
23 school, church or other place of worship, public library or youth center sponsored or  
24 conducted by any governmental agency. Measurement of the required distance shall  
25 be made from the nearest point of the building of the proposed establishment for  
26 which the license is requested to the nearest point of the building of the school, church  
27 or other place of worship, public library or youth center. The Board of License  
28 Commissioners may within its discretion and by unanimous action of the Board  
29 approve the application for any license to sell alcoholic beverages more than 300 feet

1 from any elementary or secondary school, church or other place of worship, public  
2 library, or youth center sponsored or conducted by any governmental agency provided  
3 that the land upon which the building is situated in which the licensee would operate  
4 is classified in a commercial or industrial zone under the applicable zoning ordinance  
5 and is adjacent and/or contiguous to other land which is similarly classified under  
6 said zoning ordinance. Nothing in this section shall apply to or affect or prohibit, in  
7 any manner, the renewal, transfer, or reissuance of a prior license of any license of  
8 any establishment where subsequent to the original granting of said license a school,  
9 church or other place of worship, public library or youth center was erected within  
10 750 feet of the establishment. For the purposes of this section, reissuance shall be  
11 limited to a new license for the establishment issued within one (1) year from the date  
12 of expiration or revocation of a prior license provided the revocation did not result  
13 from acts of the owner of the establishment.

14 (b) (1) In this subsection, "Takoma Park Transit Impact Area" means the  
15 Takoma Park Transit Impact Area as approved and adopted in the sector plan for  
16 Takoma Park, Montgomery County, Maryland.

17 (2) Notwithstanding the provisions of subsection (a) of this section, the  
18 Montgomery County Board of License Commissioners by unanimous vote may  
19 approve an application for an alcoholic beverages license of an applicant for a  
20 restaurant establishment which is located on land classified in or near a CBD zone  
21 (central business district zone), in or near the Rockville Town Center Performance  
22 District, or in or near the Takoma Park Transit Impact Area, if the following  
23 conditions are satisfied:

24 (i) 1. If the restaurant building is outside the respective zone,  
25 district, or area the measurement of the distance of the nearest point of the  
26 restaurant building to the nearest boundary line of the respective zone, district, or  
27 area is 500 feet or less; or

28 2. The restaurant building is entirely contained in land  
29 classified in the respective zone, district, or area;

30 (ii) The issuance of the requested license will not adversely affect  
31 nearby schools, churches, youth centers or the nearest residential community; and

32 (iii) Except for the distance restrictions provided in subsection (a) of  
33 this section, the restaurant otherwise qualifies under this article for the issuance of  
34 the license requested.

35 (3) Any license issued under this subsection authorizes its holder to keep  
36 for sale and sell alcoholic beverages for consumption on the premises only.

37 (C) (1) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (A) OF THIS  
38 SECTION, THE MONTGOMERY COUNTY BOARD OF LICENSE COMMISSIONERS BY  
39 UNANIMOUS VOTE MAY APPROVE AN APPLICATION FOR AN ALCOHOLIC BEVERAGES  
40 LICENSE OF AN APPLICANT FOR A RESTAURANT THAT IS IN EXISTENCE AS OF JUNE 1,  
41 2004, AND LOCATED IN THE ROCKSHIRE PLANNED RESIDENTIAL UNIT

1 DEVELOPMENT OF THE CITY OF ROCKVILLE, IF THE FOLLOWING CONDITIONS ARE  
2 SATISFIED:

3 (I) THE RESTAURANT BUILDING IS ENTIRELY CONTAINED ON  
4 LAND LOCATED WITHIN THE ROCKSHIRE PLANNED RESIDENTIAL UNIT  
5 DEVELOPMENT AREA;

6 (II) THE ISSUANCE OF THE LICENSE WILL NOT ADVERSELY AFFECT  
7 NEARBY SCHOOLS, CHURCHES, YOUTH CENTERS, OR THE NEAREST RESIDENTIAL  
8 COMMUNITY; AND

9 (III) EXCEPT FOR THE DISTANCE RESTRICTIONS PROVIDED IN  
10 SUBSECTION (A) OF THIS SECTION, THE RESTAURANT OTHERWISE QUALIFIES  
11 UNDER THIS ARTICLE FOR THE ISSUANCE OF THE LICENSE REQUESTED.

12 (2) ANY LICENSE UNDER THIS SUBSECTION AUTHORIZES ITS HOLDER  
13 TO KEEP FOR SALE AND SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE  
14 PREMISES ONLY.

15 [(c)] (D) (1) Subject to the provisions of paragraph (2) of this subsection, the  
16 Montgomery County Board of License Commissioners may not issue any class of  
17 alcoholic beverages license for use in a business establishment that sells motor  
18 vehicle fuel to motorists from a fuel pump that is located on the premises.

19 (2) The Montgomery County Board of License Commissioners may  
20 renew an alcoholic beverages license that has been issued for use in a business  
21 establishment that sells motor vehicle fuel to motorists from a fuel pump that is  
22 located on the premises if the license was in existence on January 1, 1989.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
24 effect June 1, 2004.